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8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 OSCAR PEREZ-MARQUEZ,
11 Petitioner,
12 vs.
13 JO GENTRY, *et al.*,
14 Respondents.

15 Case No.: 2:17-cv-01501-RFB-BNW

16 **UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO THIRD AMENDED PETITION FOR
WRIT OF HABEAS CORPUS (ECF NO. 106)**

17 **(FIRST REQUEST)**

18 Respondents move this Court for an enlargement of time of 60 days from the current due date of
19 December 14, 2021, up to and including February 14, 2022, in which to respond to Oscar Perez-
20 Marquez's Third Amended Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF No.
21 106). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice
and is based upon the attached declaration of counsel. This is the first enlargement of time sought by
22 Respondents for their response and the request is brought in good faith and not for the purpose of delay.

DATED: December 9, 2021.

AARON D. FORD
Attorney General

By: /s/ Trisha Chapman
Trisha Chapman (Bar. No. 12716)
Deputy Attorney General

DECLARATION OF TRISHA CHAPMAN

STATE OF NEVADA)
COUNTY OF CLARK) ss:

I, TRISHA CHAPMAN, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Oscar Perez-Marquez v. Jo Gentry, et al.*, Case No. 2:17-cv-01501-RFB-BNW, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The deadline to respond to Perez-Marquez's Petition is December 14, 2021.

4. I have been unable with due diligence to timely complete the response herein. A colleague's mother passed away unexpectedly, and I was reassigned their 9th Circuit matter with an answering brief due on December 13, 2021. *See Marvin Mosby v. Perry Russell*, 20-16894. That matter previously had three extensions of time granted and it was unlikely a fourth request would be granted so I was asked to prioritize that response.

5. During this same time, the Eighth Judicial District Court set several responsive pleadings in state habeas cases including Case Nos. A-21-840114-W, A-21-843823-W, A-21-843809-W and A-21-842867-W. Lastly, I have a response due in *Bradley Sandefur v. Kyle Olsen*, 3:21-cv-00125-MMD-WGC on December 14, 2021 that I intend to timely file because I already received one extension of time in that case.

6. I contacted counsel for Perez-Marquez regarding this request and he has no objection.

7. For the foregoing reasons, I respectfully request an enlargement of time of 60 days, up to and including February 14, 2022, in which to respond to Perez-Marquez's Petition.

Executed on December 9, 2021.

IT IS SO ORDERED:



/s/ Trisha Chapman
Trisha Chapman (Bar No. 12716)

RICHARD F. BOULWARE, II

United States District Judge

DATED this 10th day of December, 2021.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to Respond to Third Amended Petition for Writ of Habeas Corpus* (ECF No. 106) (First Request) with the Clerk of the Court by using the CM/ECF system on December 9, 2021.

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on December 9, 2021, I served a copy of the foregoing *Unopposed Motion for Enlargement of Time to Respond to Third Amended Petition for Writ of Habeas Corpus* (ECF No. 106) (First Request), to be served, by U.S. District Court CM/ECF Electronic Filing, on the following:

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/s/ Marsha Landreth
An employee of the Office of the Attorney General